
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

ANTON EWING,

Plaintiff,

v.

MAIN STREAT MARKETING, LLC, a Utah
limited liability company, and JERROD
ROBKER,

Defendants.

**ORDER GRANTING
MOTION FOR CONTEMPT HEARING**

Case No. 4:21-mc-00002-DN

District Judge David Nuffer

Judgment Creditor James E. Shelton¹ (“Plaintiff”) filed a Motion for Contempt Against Defendant Jerrod Robker (“Motion”).² The Motion will be GRANTED by setting a contempt hearing.

BACKGROUND

This Court’s Order Granting Judgment Creditor Shelton’s Motion to Compel³ (“Order”) from January 4, 2022 required Defendant Robker’s (“Defendant”) “to respond to the Interrogatories...and the Requests for Production...within 60 days of the entry of [the] order.”⁴ The Order warned that Defendant’s “[f]ailure...to comply with [the] order may result in an adjudication of contempt of court and imposition of sanctions.”⁵ Defendant was served with the

¹ Anton Ewing assigned the judgment to James E. Shelton. Civil Docket for Case #: 3:16-Cv-02415-GPC-BGS, [docket no. 1-1](#), filed January 8, 2021

² [Docket no. 8](#), filed July 28, 2022.

³ [Docket no. 5](#), filed December 29, 2021.

⁴ [Docket no. 6](#), filed January 4, 2022.

⁵ *Id.*

Order in January 2022 via U.S. Postal Service⁶ and again via personal service on July 8, 2022.⁷ Defendant has not complied with the requirements from the Order.

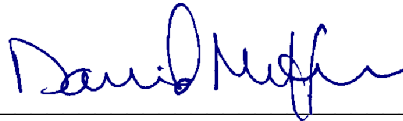
APPLICABLE LAW

To prevail on a contempt claim, a plaintiff must prove “by clear and convincing evidence that a valid court order existed, that the defendant had knowledge of the order, and that the defendant disobeyed the order.”⁸ Plaintiff’s motion satisfies each of these three burdens. Additionally, a court may “punish by fine or imprisonment, or both, at its discretion”⁹ for contempt of an order. Before civil contempt is adjudicated and penalties imposed, it “is required... that defendants be given reasonable notice and an opportunity to be heard.”¹⁰

IT IS HEREBY ORDERED that Defendant Jerrod Robker appear at a contempt hearing scheduled for October 21, 2022 at 3:00 PM in person at the 5th District Courthouse, 206 W. Tabernacle St., St. George, Utah 84770 in courtroom 2B before Judge David Nuffer. If Defendant fails to appear or fails to show good cause why he has not complied with the court’s Order, Defendant shall be found in contempt of court.

Signed September 8, 2022.

BY THE COURT



David Nuffer
United States District Judge

⁶ Docket no. 7, filed January 31, 2022.

⁷ Docket no. 5-6.

⁸ *Reliance Ins. Co. v. Mast Const. Co.*, 159 F.3d 1311, 1315 (10th Cir. 1998)

⁹ 18 U.S.C. § 401(3).

¹⁰ *F.T.C. v. Kuykendall*, 371 F.3d 745, 754 (10th Cir. 2004)